



MEMO ENDORSED

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October 18, 2023

(via ECF only)

Hon. Jessica G. L. Clarke
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: Rosas v. Shorehaven Homeowners Association, Inc., et al.
Case No. 23-cv-4052

Judge Clarke:

We are attorneys for the defendants, Shorehaven Homeowners Association, Inc. and Haydee Rosario (the “Defendants”), in the above-referenced matter. We write to request a stay of the upcoming preliminary conference, scheduled for October 24, 2023.

The instant application is being made because there is currently a Motion to Dismiss pending before the Court and Defendants seek to adjourn the preliminary conference pending the resolution of the motion. By this application, the Defendants wish to conserve the Court’s and parties’ time and resources, pending the resolution of this motion which may alleviate the need for discovery or, if not granted in its entirety, potentially limit the scope of discovery.

Accordingly, the Defendants respectfully request that the Preliminary Conference scheduled for October 24, 2023, be stayed pending the resolution of the Motion to Dismiss. No prior request for this relief has been made. We have consulted Plaintiff’s counsel and they have not consented to the instant application.

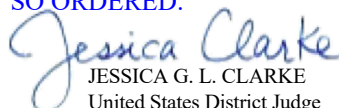
We thank Your Honor for considering this request.

Application DENIED. The filing of a motion to dismiss does not automatically stay discovery. *Hong Leong Fin. Ltd. (Singapore) v. Pinnacle Performance Ltd.*, 297 F.R.D. 69, 72 (S.D.N.Y. 2013). The joint letter and proposed Civil Case Management Plan and Scheduling Order remain due on October 18, 2023 (which has since passed) and the initial pretrial conference remains scheduled for October 24, 2023, unless the parties agree to a Case Management Plan and Scheduling Order. The Parties are hereby ordered to file the joint letter and proposed Case Management Plan by October 20, 2023.

SO ORDERED.

Dated: October 19, 2023

New York, New York


JESSICA G. L. CLARKE
United States District Judge

Respectfully submitted,

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